

7.15.13 Conservation Commission Minutes

Minutes of the Taunton Conservation Commission July 15, 2013

Present: Chair Brian Marques, Vice Chair Debra Botellio, Commissioners Marla Isaac, Neil Kelly, Ernest Enos, and Renwick Chapman. Steven Turner arrived at 7:10p.m.

Motion to approve the minutes of the June meeting, RC, second DB, so voted.

Certificate of Compliance

- **Winthrop Street (West) Sewer Extension, City of Taunton DPW, (COC), SE73-2459** Field report states that this filing was for the expansion of the sewer system on Winthrop Street west of South Walker Street to Burt Street at the Dighton Line. This included construction near resource areas including crossing the Segregansett River. All work was within the roadway and no resource areas were disturbed. The work has been completed in significant compliance to the order of conditions issued on December 22, 2010. The roads have been paved and have the final topcoat and all culverts are clear. MR recommends that the TCC issue a COC for this project. Motion to approve COC RC, second NK, so voted.
- **820 Highstone Street, Prime Engineering Inc., (COC), SE73-2113** Field report states that this filing was for the construction of a single family home with septic system, driveway, utilities, and associated grading. A wetland mitigation area in the rear of the building was also required. All work has been completed in significant compliance to the order of conditions issued on October 25, 2005. The mitigation replication is well established with over 90% wetland species. MR recommends that the TCC issue a COC for this project. Motion to approve COC, DB, second RC, so voted.
- **1022 Norton Avenue, Henry Mello, (COC), SE73-2522** Field report states that this project was for a septic system repair including draining, filling and abandoning the existing leaching field and septic tank, and replacing them with a 1500 gallon tank and Quick4 Plus standard LP chambers. All work has been completed in significant compliance to the order of conditions issued on November 7, 2012. The lawn is stable and the grass has been mowed several times. MR recommends that the TCC issue a COC. Motion to approve the COC RC, second DB, so voted.

(RC out)

- **Bassett Street, MDC, (COC-P), SE73-2494** Field report states that this filing was for the construction of approximately 2,508 linear feet of new access road (Charles F. Colton Road) off Bassett Street and Constitution Drive. This project also included utilities, associated grading, and stormwater management structures to service a 220 acre, 6-lot subdivision. The roadway has been completed and has been top-coated. The sidewalk shoulders and catch basins have been constructed and the basins have been cleaned of debris prior to this filing. The detention basin at the end of the cul-de-sac is complete and vegetated. The detention basin on Lot 5 is also designed to specifications. The infiltration/detention Basin #1 has not been completed at this time as it is dependent on the development of Lot 2. This basin does not service any portion of Colton Road. The request of a Partial COC is unusual but is due to funding requirements under a grant issued by the Federal Economic Development Administration. The funding cycle ended in June and they need to close out this project with the EDA. The final COC will be requested once Lot 2 is developed and Basin #1 is constructed. MR recommends that the TCC issue a partial COC for this project. Motion to approve partial COC for this project, DB, second MI, so voted.

(RC back)

Public Meetings

- **6 Mill Lane, Williams, (RDA), DSE-1057** Field report states this filing is for a septic system repair which will consist of removing the existing soil absorption system (S.A.S.), and draining, crushing and abandoning the existing septic tank. A new 1,500 gallon septic tank and new leaching system will be installed. The new tank will be installed on the east side of the house 86 feet from the wetland. The new S.A.S. will be outside the 100-foot buffer zone. A BVW is located to the north and east of the house and was delineated by SFG Associates, Inc., on June 6, 2013. MR reviewed the wetland line and is in agreement with the placement of the flags. A siltation barrier is depicted on the plan and is the limit of work. The work as proposed will not negatively impact the adjacent BVW, therefore MR recommends that the TCC approve the wetland line, flags 2, 3, and 6, with flags 1, 4, 5, 7, and 8 for reference purposes, and issue a negative determination with the attached special conditions. Motion to open the meeting, DB, second RC, so voted. Brad Fitzgerald present for the applicant. Motion to issue negative determination, approve wetland line with conditions 1, 2, 3, 4, 18, & 19, MI, second RC, so voted.

(RC out)

- **105 Meeshawn Avenue, (RDA), DSE-1058** Field report states that this filing is for the approval of an above-ground pool with extension of the existing deck to surround the pool. The pool was put up without prior approval. This filing is to correct that omission. The wetlands were originally approved under DEP # SE73-1398 and later re-approved under DEP # SE73-2080 when the house was built. The pool is 58 feet from the wetland and the proposed deck addition will be 61 feet away from the wetland. Work will be done by hand. The area is enclosed by a stockade fence. The work as proposed should not negatively impact the adjacent wetland, therefore MR recommends that the TCC approve the project and issue a negative determination to include the attached special conditions. Motion to open the meeting, MI, second DB, so voted. Motion to continue to August 12, 2013, MI, second DB, so voted.

(RC in)

Continued Public Hearings

- **28 General Cobb Street, Browne, (NOI), SE73-2542** This is for an above ground pool on an existing lawn. No clearing involved. Motion to approve with conditions 2, 21, and 28-cartridge filter and no backwash close to the brook, RC, second MI, so voted. Motion to close, MI, second DB, so voted.

(RC out)

- **480 John Hancock Road, Henderson, Taunton Development/Mass Development Corp., (NOI), SE73-2545** Letter of withdrawal from applicant was read. Motion to accept the letter, DB, second MI, so voted.

Motion to move 480 John Hancock Road, and both Tremont Street hearings to the end of the meeting, DB, second MI, so voted.

(RC in)

Public Hearings

- **4-6 High Street Ext., City of Taunton/Law, (NOI), SE73-2552** Field report states that this filing was for the demolition of three buildings on this property abutting the Taunton River. The contractor put up a siltation barrier along the edge of the property along the river prior to razing the two houses and garage. Work was started prior to receiving an order of conditions from the Commission due to a misunderstanding by the contractor who thought that the City had gotten all the appropriate permits. MR visited this site during the remaining demolition and cleanup process. All demolition work has been completed. There is no indication of debris falling into the river. During the cleanup process the contractor pulled a number of items off the banks and from the river, including a very heavy sink. MR recommends that the TCC approve the filing and issue an order of conditions to include the attached special conditions. Motion to approve with conditions 2, 3, 4, 5, & 21, MI, second RC, so voted. Motion to close, DB, second MI, so voted.

Motion to go out of order to hear violation on 60 Phyllis Road, DB, second RC, so voted.

Violations

- **60 Phyllis Road** Mr. & Mrs. Elias, the homeowners were present. Motion to dismiss the violation and proceed back to the public hearing for this property, DB, second RC, so voted.

(ST arrived 7:10pm)

Public Hearings

- **60 Phyllis Road, Elias, (NOI), SE73-2548** Field report states that this filing is for the construction of a patio and deck as well as tree removal and grading within the 100-foot buffer zone of a BVW. An enforcement order was issued on May 6, 2013 regarding the trees cut within the 100-foot buffer zone. This filing is to correct that work and to include the additional construction of a patio and deck. The wetland was delineated by John Delano on June 19, 2013. MR reviewed the line and is in agreement with the placement of the flags. There is an intermittent stream associated with this wetland. All proposed work will be outside the 25-foot WPZ. Trees that were cut within the buffer zone without a permit included the stumps of a 4" tree 22 feet from the wetland, an 8" tree 88 feet from the wetland, two 12" 78 and 86 feet away, and a 15" 75 feet from the wetland. The applicant is wishing to cut three other trees within the buffer zone: a 4" dbh diameter at breast height, 6: dbh, and 8" dbh oak, the closest at 35' from the wetland. Additional trees were cut outside of the buffer zone and have not been included in this summary. Proposed grading will be located east of the house and will level out an area that is currently a steep slope and hill. The grading will be within 33 feet of the wetland. The deck will be constructed above the proposed patio with the area graded at contour 16. Additional grading will occur to the north in order to decrease the slope to a gentler slope toward a drainage easement along the west of the property line. Siltation barriers are depicted along the north border and eastern border. The proposed grading and tree removal should not negatively impact the adjacent properties or the adjacent BVW. The grading corresponds to the original contours along the northern property line. The homes to the north are along contour 20 and the home to the west is at contour 23. MR recommends that the TCC approve this work, resolve the violation, approve the wetland delineation to include flags WF1 through WF14 for reference purposes only, and issue an order of conditions to include the attached special conditions. Present John Delano and the applicants, Mr. & Mrs. Elias. Motion to open the hearing, RC, second DB, so voted. Motion to approve with conditions 1, 2, 3, 4, 5, 13, 19, 21, 25, 26, 27, and 28-put in 6 new trees to replace some of those cut down-speak with MR regarding tree size and type, ST, second NK, so voted. Motion to close the hearing, DB, second MI, so voted. Public Input: Abutter Matthew Fagan had concerns with both the tree removal and water ending up on his property. He was told they would be replacing some of the trees that took down. Also Mr. Fagan was told that it is against the law to put water on someone else's property, please call TCC office if this does happen but it should not.
- **132 Briggs Street, LoDico, (NOI), SE73-2547** Field report states that this project is for the construction of a 24' x 28' detached garage, additional paving near the proposed entrance to the garage, and associated grading. The lot is currently grassed with an existing paved driveway and 30" maple tree that will be preserved. On June 19, 2013, John Delano delineated the BVWs associated with this project. One BVW is located across the street on the northeasterly side of Briggs Street and is flagged using numbers WF-B1A to WF-B5. The BVW on the property is associated with an intermittent stream and occasionally floods. This wetland was flagged using numbers WF-A1 to WF-A7. This stream is piped from the headwall, under the property for 106 feet, then under Briggs Street where it is daylighted at the "B" wetland. MR reviewed the wetland flags and is in agreement with their placement. All work will be outside the 25-foot WPZ with a siltation barrier erected at least 26 feet from the BVW. Grading will come within 30 feet and the back corner of the garage will be 37 feet from the wetland. The plan shows a concrete dewatering area to the northwest of the new garage. There has been concern expressed by neighbors regarding the possibility of additional sheetflow and flooding to their properties. Per the Wetlands Protection Act, the Applicant cannot create an increase in the sheetflow to neighboring properties. Nor can he decrease the flow. To address this concern MR recommends that the roof runoff be channeled to drywells. The additional paved area is minimal and should not increase the runoff rate to neighboring

properties. The work as proposed, along with the above recommendations, should not negatively impact the adjacent wetlands or neighboring properties. MR recommends that the TCC approve the wetland lines as follows: WF-A1 to WF-A4, with WF-A5 to WF-A7 and WF-B1A to WF-B5 for reference purposes only. MR also recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Delano spoke with applicants and they have agreed to rain gardens being put in behind the garage. Motion to open, DB, second ST, so voted. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 19, 21, 23, 25, 26, 27, ST, second RC, so voted.

- **County Street, (127-62), Hopgood/Clarewood Homes, Inc., (NOI) SE73-2551** Field report states that this project is for the construction of a single family home with driveway, utilities, and associated grading within the 100-foot buffer of a BVW. The wetland line was confirmed and refreshed by Ecosystem Solutions Inc., on May 22, 2013. This property is not within a NHESP area, and does not fall within an ACEC. MR reviewed the wetland flags and is in agreement with their placement. A siltation barrier is depicted on the plan and is at least 25 feet from the wetland. This will be considered the limit of work. Grading will fall within 45 feet of the wetland, while the deck will be 51 feet away. Concrete washout and dewatering areas should both be outside the 100-foot buffer zone if needed. Roof drains are shown connecting to drywells at each end of the proposed house. The house will be on city water and sewer. MR recommends that the TCC approve the wetland as follows: flags W3 to W6, with flag W2 for reference purposes. The work as presented will not negatively affect the adjacent wetlands, therefore MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Brad Fitzgerald present for the applicant. Motion to open, ST, second RC, so voted. MR said to remove drywells-#23 on conditions. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 17, 19, 21, 24, 25, 26, & 27, ST, second NK, so voted. Motion to close, DB, second MI, so voted.

Motion to revert back to the regular order of business, DB, second MI, so voted.

(RC out)

Continued Public Hearings

- **480 John Hancock Road, Laughlin, (NOI), SE73-2543** Field report #2 states that this project is for the construction of a gravel parking lot and water quality swale to meet the conditions of the previous NOI filing (SE73-1879). This property is at the corner of John Hancock Road and Pioneer Way. Wetlands were approved under DEP number SE73-2520.

Approval of this project is contingent upon the relocation of the drain pipe currently under the building that should have been relocated under DEP#SE73-1879. Taunton Development/Mass Development Corp. has withdrawn their filing for the relocation of the 24" drainpipe. The onus is now on the applicant to revise the plan to include the pipe relocation. As stated previously, these two filings were interconnected. This applicant was to have relocated the pipe in 2004 under the previous filing for the construction of the building. The City cannot maintain this pipe in its present location under the building. MR recommends that the TCC continue this project to the September 16, 2013 hearing date in order to give the applicant time to revise this plan to incorporate the pipe relocation. The filing in its current condition does not meet the requirements of the previous plan nor the recommendations of the Commission upon resolution of the violation previously issued to the applicant. Present Paul Patnaude and Gerald Croteau for the applicant. Mass Dev withdrew because the MOA was not signed on time. Paul said the applicant's lawyer had questions on the agreement with Mass Dev, they went back and forth for a bit. She finally did sign and send in, but they said it was too late. Motion to approve with special conditions 1, 2, 3, 4, 5, 19, 20, 21, 25, 26, 27, ST, second NK, so voted. Motion to close, MI, second DB, so voted.

Public Hearings

- **Tremont Street, (49-113), Hopgood/Clarewood Homes, (NOI), SE73-2549** Field report states that this project is for the construction of a single family home with driveway, utilities, and associated grading within the 100-foot buffer zone of a BVW. The wetland line was approved and an ORAD issued under file number SE73-2449. This property is not within a NHESP area, but does fall within the Three Mile River ACEC. A siltation barrier is depicted on the plan and is at least 24

feet from the wetland, and is to be the limit of work. The grading comes within 27 feet of the wetland, while the soil absorption system will be 70 feet from the closest flag. The house will be located 60 feet from the BVW. The driveway and reserve areas are outside the 100-foot buffer zone. Both the dewatering and concrete washout areas are outside the buffer zone. The work as presented will not negatively affect the adjacent wetlands, therefore MR recommends that the

TCC approve this project and issue an order of conditions to include the attached special conditions. Paul Patnaude present for the applicant. Motion to open, MI, second DB, so voted. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 17, 19, 21, 24, 25, 26, & 27, ST, second MI, so voted. Motion to close, DB, second MI, so voted.

- **Tremont Street, (49-114), Hopgood/Clarewood Homes, Inc., (NOI), SE73-2550** Field report states that this project is for the construction of a single family home with driveway, utilities, and associated grading within the 100-buffer zone of a BVW. The wetland line was approved and an ORAD issued under file number SE73-2449. This property is not within a NHESP area, but does fall within the Three Mile River ACEC. A siltation barrier is depicted on the plan and follows the 25-foot WPZ. This will be considered the limit of work. Grading will fall within 27 feet of the wetland, while the deck will be 75 away. The majority of the house and the entire septic system fall outside the 100-foot buffer zone. Concrete washout and dewatering areas are both outside the 100-foot buffer zone. The work as presented will not negatively affect the adjacent wetlands, therefore MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Paul Patnaude present for the applicant. Motion to open, ST, second DB, so voted. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 17, 19, 21, 24, 25, 26, & 27, ST, second RC, so voted.

Violations

- **75 Short Street, John McGrath owner and his lawyer are present.** The homeowner was very concerned with trees falling while children were out playing in the yard. They did not know they were cutting trees around a vernal pool. They will work with MR about replanting some trees/shrubs in that area. Motion to dismiss violation and work with MR regarding plantings, DB, second MI, so voted.
- **Williams Street.** Motion to continue to August 12, 2013, DB, second MI, so voted.
- **220 Princess Kate Circle.** Brother in law of owner cut down trees that were hanging all the way into the road. It was a hazard with people walking and cars swerving. He removed them himself, didn't realize it was wrong, thought he was helping the situation. Motion to dismiss the violation, ST, second DB, so voted.

Motion to adjourn, DB, second ST, so voted. Meeting ended at 8:45p.m.